

II. Remarks

Reconsideration and re-examination of this application in view of the above amendments and the following remarks is herein respectfully requested.

After entering this amendment, claims 1-11 remain pending.

Claim Rejections - 35 U.S.C. § 102(e)

Claims 1, 4, 10 and 11 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Published Application No. 2005/0235619, to Heinz et al. ("Heinz"). Applicant respectfully traverses this rejection since Heinz fails to teach all of the limitations of these claims, as now amended

In the present invention, an illuminable material is added to a surfactant. The surfactant, containing the illuminable material, is then applied to the foam layer of a filter. Upon illumination of the illuminable material, the foam layer is examined and the depth of penetration of the illuminable material is measured. Thereafter, this depth of penetration of the illuminable material is correlated to a depth of penetration for the surfactant.

In rejecting claims 1, 4, 10 and 11, the examiner relies upon Heinz. As noted in the previous response, the florescent dye of Heinz is used in a different manner for a significantly different purpose than in the present invention.

In Heinz, the florescent material is not added to a filter to determine the depth of penetration of an oil surfactant into the filter during manufacturing. Rather, the florescent dye is provided in the Heinz filter to determine how dirty

the filter is. As the Heinz filter becomes loaded with dust particles, its functionality decreases. The more loaded with dust particles the filter is, the less the fluorescent dye is able to absorb light and the less the dye is able to glow with any significant intensity. Thus, the intensity of the glowing of the dye allows one to determine how clean or dirty the filter is.

As recited in the claims of the present invention, the current method is not one for determining how dirty a filter is, but rather it is a method for determining the depth at which an oil surfactant has been provided in the overall depth of the filter. Specifically, the claims now require the measuring of the depth of penetration of the illuminable material, while illuminated, and thereafter correlating the depth of penetration of the illuminable material to the depth of penetration of the oil surfactant into the foam layer of the filter. Nowhere is this taught or suggested in Heinz.

Claim Rejections - 35 U.S.C. §103(a)

The remaining claims were rejected under 35 U.S.C. § 103 as being unpatentable over Heinz.

In that the claims rejected under section 103 depend either directly or indirectly from claim 1, which has been shown to be allowable, it is submitted that the claims dependent thereon are likewise allowable, at least for the same reasons.

Conclusion

In view of the above amendments and remarks, it is respectfully submitted that the present form of the claims are patentably distinguishable

over the art of record and that this application is now in condition for allowance. Such action is requested.

Respectfully submitted,

/Eric Sosenko/
Eric J. Sosenko
Reg. No.: 34,440
Attorney for Applicant(s)
(734) 302-6000

Attachments: None